

PATENT
09/942,756

REMARKS

Drawings: Attached hereto are copies of Figures 1 and 2 which include the corrections suggested by Examiner in order to satisfy the objections to the Drawings. Applicants will make the formal corrections when approved by Examiner.

Abstract Objection: the Abstract has been amended to satisfy Examiner's objection to the wording. The addition of the coma on line 11, makes it clear that the term "within which scope" refers back to its antecedent: the "scope of display area adjacent said moving pointer".

Claim Objections: Claims 1, 9, and 18 have been each respectively amended to clarify the wording in each to satisfy Examiner's objections. The commas inserted in each claim, make it clear that the term "within which scope" refers back to its antecedent: the "scope of display area adjacent said moving pointer". Accordingly, it is respectfully requested that the objection to these claims be withdrawn.

Summary of Telephone Examiner/Attorney Interview 12/14/04.

Applicants thank Examiners for the interview granted to their attorney, J. B. Kraft on December 21, 2004. In that interview Applicants' attorney discussed with Examiners, our intention of amending the claims so that each independent claim defined the scope of the display area adjacent to pointer as rectilinear. In accordance with the present amendment, each independent claim and thus each claim herein now includes the elements of said scope being rectilinear. The effect of this amendment will be discussed in greater

AUS920010342

PATENT
09/942,756

detail hereafter in Applicants' Argument.

Attorney and Examiners also discussed the potential significance of the basic DeStafano patent i.e. whether the patent would be available as a reference under 35 USC 103 in view of 35 USC 103(c) since DeStafano was assigned to a common assignee, IBM. It was the Examiners' point that the reference would not be precluded because 35 USC 103(c) only applied to references that were available only under 35 USC 102(e,f,g) and as DeStafano issued more than one year before the filing date of the present Application, it was also available under 35 USC 102(b), and thus not precluded under 35 USC 103(c).

Applicants' Argument.

The rejection of the claims under 35 USC 102(b) over DeStefano (US6,075,531) is respectfully traversed. The claims have been amended so that all of the claims include the elements of dependent claims 8, 17, and 25 respectively, i.e. that the scope of the display area adjacent to pointer is rectilinear. Also claims 7, 8, 16, 17, 24, and 25 have been cancelled.

Accordingly, it is submitted that remaining claims 1-6, 9-15 and 18-23 are patentable under 35 USC 102(b) over DeStafano. A rejection based on anticipation under 35 U.S.C. 102, must expressly or impliedly teach every element of invention without modification. The Examiner's application of DeStafano does not meet this standard. DeStafano does disclose the broadest aspect of the present invention: the enablement of a user to interactively modify the scope of the display area adjacent to a moving pointer within which area, the displayed item are enabled for selection. However, DeStafano fails to teach that such a

AUS920010342

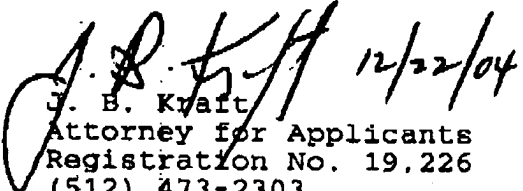
PATENT
09/942,756

scope may be rectilinear.

The Examiner points to column 9, lines 46-54 as disclosing an adjacent area of rectilinear scope. However, while the cited section sets forth that the area scope may be represented by a plurality of geometric shapes in general, a rectilinear shape is not expressly or impliedly set forth. Such a shape is not mentioned. The only examples of shapes given are circles or ellipses.

Therefore, it is respectfully submitted that the claims as amended are not anticipated by DeStafano under 35 USC 102(b). Thus, claims 1-6, 9-15 and 18-23 are submitted to be in condition for allowance, and such allowance is respectfully requested.

Respectfully submitted,

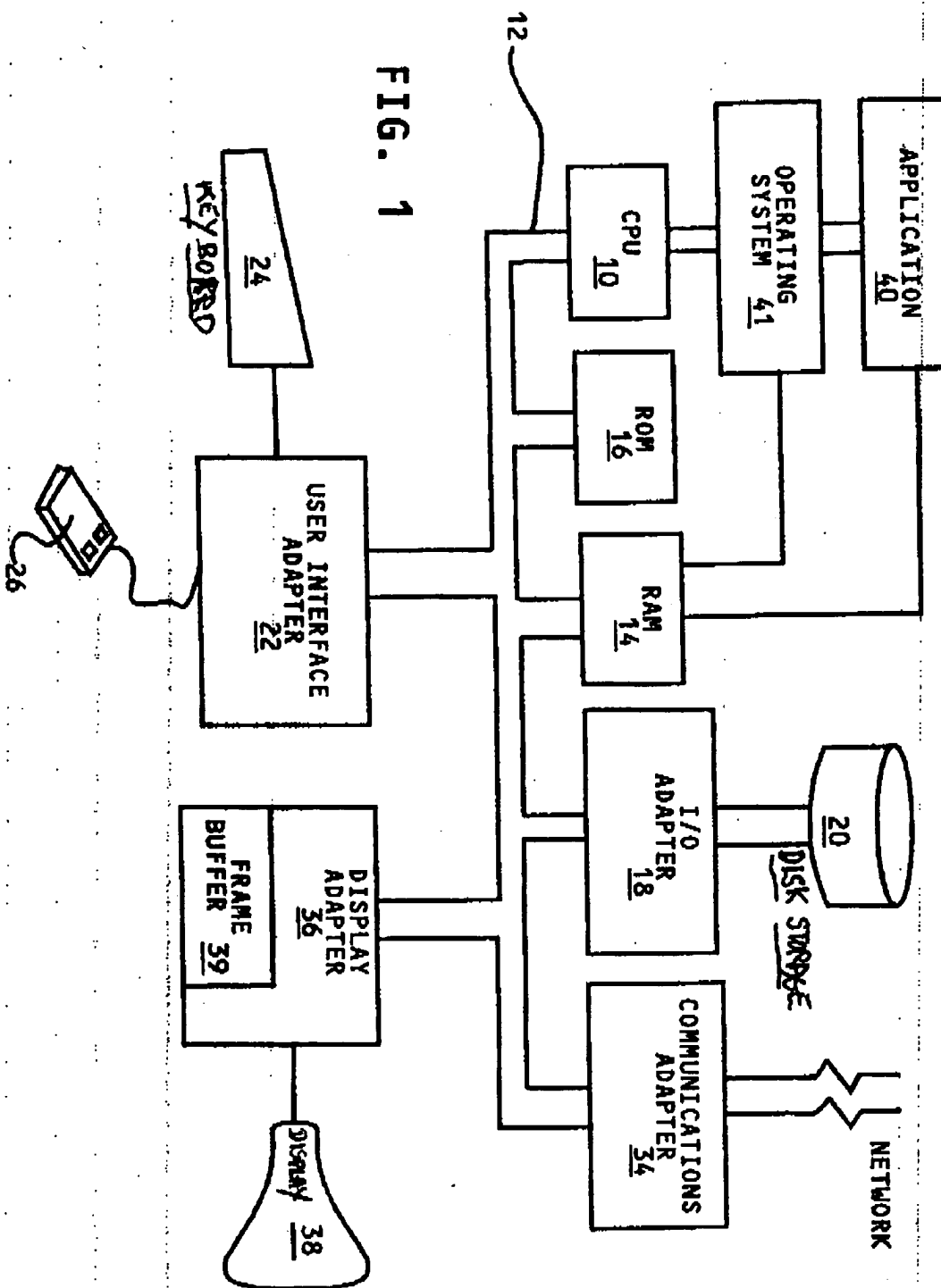
 12/22/04
J. B. Kraft
Attorney for Applicants
Registration No. 19,226
(512) 473-2303

PLEASE MAIL ALL CORRESPONDENCE TO:

Diana Roberts-Gerhardt
IPLaw Dept. - IMAD 4054
IBM Corporation
11400 Burnet Road
Austin, Texas 78758

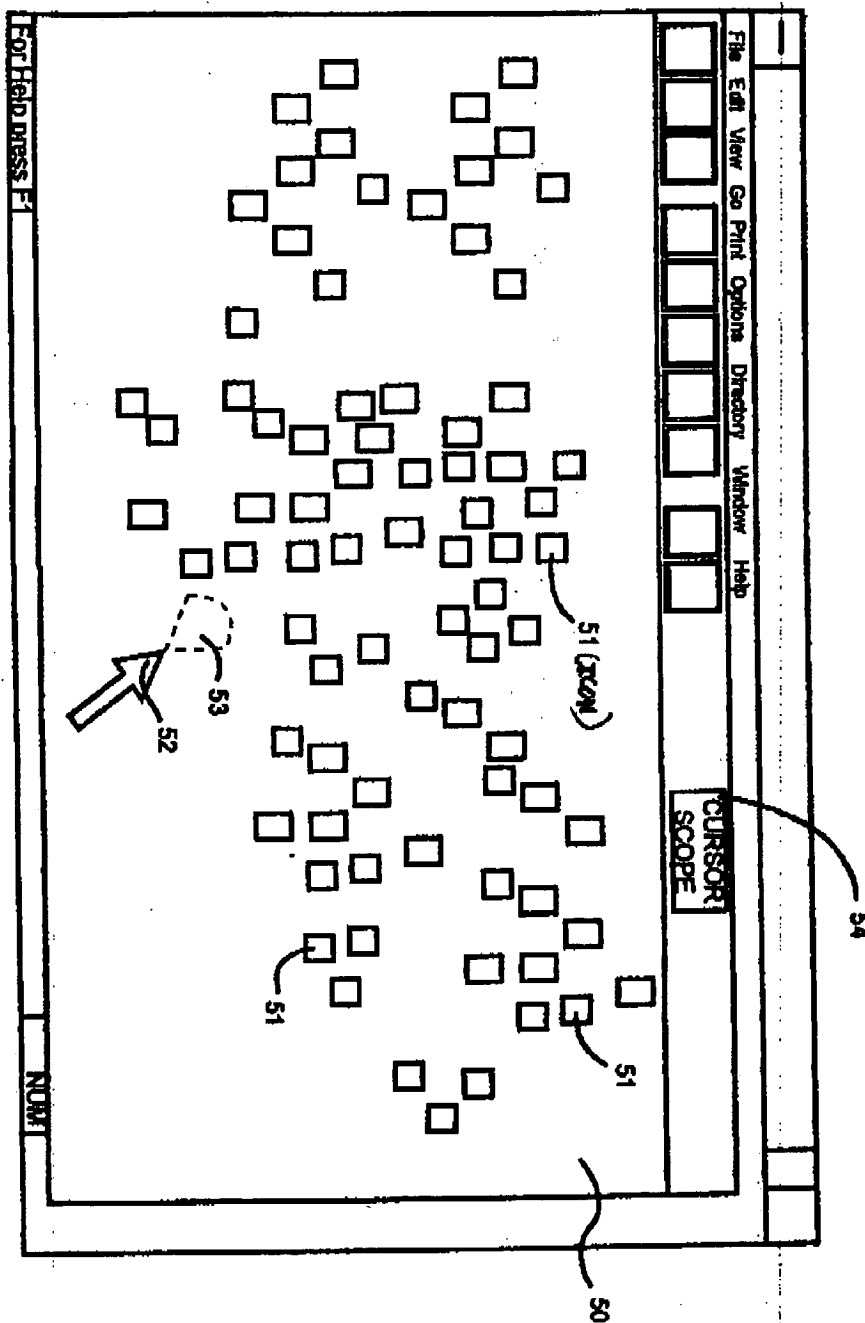
AUS920010342

AUS92001-0342.US1
1/9



AUS9-2001-0342.US1
2/9

FIG. 2



**This Page is Inserted by IFW Indexing and Scanning
Operations and is not part of the Official Record**

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- ☐ **BLACK BORDERS**
- ☐ **IMAGE CUT OFF AT TOP, BOTTOM OR SIDES**
- ☐ **FADED TEXT OR DRAWING**
- ☐ **BLURRED OR ILLEGIBLE TEXT OR DRAWING**
- ☐ **SKEWED/SLANTED IMAGES**
- ☐ **COLOR OR BLACK AND WHITE PHOTOGRAPHS**
- ☐ **GRAY SCALE DOCUMENTS**
- ☐ **LINES OR MARKS ON ORIGINAL DOCUMENT**
- ☐ **REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY**
- ☐ **OTHER:** _____

IMAGES ARE BEST AVAILABLE COPY.

As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.